

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE)
ANTHONY DAVON JONES) CASE NO. 19-40512-ELM
ERICA RHODES JONES) Chapter 13
Debtors)

MOTION OF CARVANA, LLC.
TO ALLOW LATE FILED PROOF OF CLAIM

TO THE HONORABLE JUDGE OF SAID COURT:

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 501 W. TENTH STREET, ROOM 147, FORTWORTH, TEXAS 76102-3643 BEFORE CLOSE OF BUSINESS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF. ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY. IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Comes now Carvana, LLC, ("Movant"), a secured creditor of Debtors and files this its Motion To Allow Late Filed Proof of Claim Pursuant to FRBP 9006 (b)(3)(herein after referred to as "Motion") and for such objection would show unto this Court the following:

1. On February 4, 2019, the Debtors filed a petition and schedules for this Chapter 13 Case.
2. The bar date for filing claims for the creditor was April 15, 2019 pursuant to FBR 3002(c).
3. A proof of claim for Movant is attached hereto pending the Court's approval to file such claim. .

4. The deadline was missed because creditor failed to timely file the Proof of Claim.

An affidavit stating excusable neglect is attached as Exhibit 1.

5. Creditor is seeking to extend the time to file a Proof of Claim based on excusable neglect. See Pioneer Investment Services Co. v. Brunswick Associates, 507 U.S. 380 (1993).

WHEREFORE, PREMISES CONSIDERED, Movant prays that this court allow its proof of claim to be entered and allowed as filed with this Court, to permit the Trustee to pay its claim, along with other creditors, and for such other and further relief at law and equity to which the creditor may be entitled.

Respectfully requested,
JACK O'BOYLE & ASSOCIATES

By: /s/ Jack O'Boyle.
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Attorneys for Movant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing motion has been sent to the persons listed below electronically or by first class mail on this 21st day of June 2019:

Leinart Law Firm
11520 N. Central Exprwy., Ste. 212
Dallas, TX 75243

Pam Bassel
Chapter 13 Trustee
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NRH, TX 76180

Antony & Erica Jones
5305 Rio Bravo Drive
Arlington, TX 76017

United States Trustee
1100 Commerce St., Room 976
Dallas, TX 75242

/s/ Jack O'Boyle
Jack O'Boyle